IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15263 of 2005

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Between:

Kilaru Koteswara Rao S/o. Late Jaganadha Rao
R/o. Illuru Ianka Thotlavalluru Mandal
Krishna District.

..... PETITIONER

AND

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1 The District Collector Krishna District, Machilipatnam.
2 The Joint Collector Machilipatnam, Krishna District.
3 The Sub Collector, Vijayawada Krishna District.
4 The Mandal Revenue Officer, Thotlavalluru Mandal

Krishna District.
5 The Asst. Director of Survey, Machilipatnam Krishna

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents 3 and 4 in displaying the public notice in the Illuru Village, vide proc.R.O.C.M.S.No.208/2004 dated 6-6-2005 is arbitrary, bad and illegal and violative of Article 300-A and violative of principles of natural justice, consequently set aside the same by directing the respondents not to interfere with the petitioners land in Sy.No.1 to 5 and 7 to 10 vide patta No.1 and 2 of Mulkapally Village and in Sy.No.80 to 101 and 116 to 118 vide patta No.205 of Illuru Village, Thotlavalluru Mandal, Krishna District.

Counsel for the Petitioner: MR.KURITIBHASKARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

It is stated that a Joint patta bearing Nos.1 & 2 by mentioning Survey Nos.1 to 5 and 7 to 10 of Mulakalapalli village of Thotlavalluru Mandal to an extent of Acs.307.43 and another patta No.205 with regard to the land to an extent of Acs.372.05 in Illuru village against R.S.No.82 to 101 and 116 to 118 to 22 were issued on 31.8.1963, to the legal heirs of late Davluri Peda Kotaiah, who acquired extensive lands in and around Illuru village and Mulkalpally of Thotlavalluru Mandal during their life time. Since then the legal heirs of late Davluri Peda Kotaiah were paying property taxes and have been in peaceful possession and enjoyment of the lands in question. The petitioner herein is one of the legal heirs of late Davluri Peda Kotaiah.

While so, the Sub Collector, Vijayawada had issued instructions to the Mandal Revenue Officer, Thotlavalluru, the fourth respondent herein, who in turn issued public notice dated 6.6.2001 stating that all the legal heirs of late Davluri Peda Kotayya were restrained from doing agricultural operations in the land in question, without prior permission. Thereafter, on 13.6.2005 the petitioner along with other family members approached the Mandal Revenue Officer with all the relevant documents and filed one set of Xerox copies. Now the petitioner filed this writ petition questioning the validity of the notice dated 6.6.2005 issued by the Mandal Revenue Officer.

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The contention of the learned counsel for the petitioner that in the impugned notice neither survey numbers nor extent was not mentioned, cannot be countenanced, as the petitioner received the impugned notice and appeared before the Mandal Revenue Officer on 13.6.2005 with all relevant documents. Therefore, I see no reasons to entertain the writ petition. However, the petitioner is at liberty to assail the correctness of the order that would be passed by the Mandal Revenue Officer in pursuance of the impugned notice dated 6.6.2005.

Accordingly, the Writ Petition is dismissed. No costs.

Elipe Dharma Rao, J.

20th April, 2005

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To

1 The District Collector Krishna District, Machilipatnam.
2 The Joint Collector Machilipatnam, Krishna District.
3 The Sub Collector, Vijayawada Krishna District.
4 The Mandal Revenue Officer, Thotlavalluru Mandal

Krishna District.
5 The Asst. Director of Survey, Machilipatnam Krishna

District.

6 Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

7 2 CD copies.